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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE MORRIS LEE SCOTT

MORRIS LEE SCOTT,

Appellant,

-against-

OFFICER UNKNOWN,

Appellee.

No. 21 CV 7168 (NSR)  
ORDER

NELSON S. ROMÁN, United States District Judge:

On August 25, 2021, Morris Lee Scott (“Scott”) appealed an order of the bankruptcy court dismissing his Chapter 7 petition for failure to pay the filing fee. (ECF No. 1.) When Scott initially filed his petition, he sought and was granted leave to pay the filing fee in installments. (Bankr. Nos. 2, 7.)<sup>1</sup> When he failed to comply with that payment plan, the bankruptcy court noticed a hearing on dismissal. (Bankr. No. 35.) Scott subsequently filed an IFP application (Bankr. No. 62), which the bankruptcy court denied (Bankr. No. 63). The bankruptcy court then issued an order dismissing the petition for failure to pay the fee. (Bankr. No. 67.) Scott asks this Court to review the bankruptcy court’s order of dismissal, which does not reach the merits of Scott’s petition because Scott failed to pay the fee as required.

Because debtor clearly had notice of the consequences of his failure to pay the fee, and the bankruptcy court reviewed and denied the IFP application and debtor still failed to pay, the appeal is DISMISSED for failure to prosecute. *See, e.g., Sydlar v. Swimelar*, No. 6:10-CV-34 GLS/DRH, 2010 WL 2522362, at \*1 (N.D.N.Y. June 14, 2010) (dismissing sua sponte for failure to prosecute

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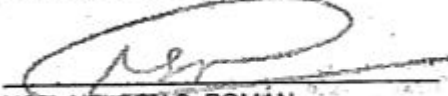
<sup>1</sup> Record citations with “Bankr. No.” prefix refer to documents filed on the bankruptcy court docket 20-35227-cgm.

where bankruptcy court had sent debtor a deficiency notice and denied his application to proceed in forma pauperis and debtor had nonetheless failed to pay the requisite fee); *see also Michalek v. Ring*, 131 F.3d 131 (2d Cir. 1997) (affirming district court's dismissal of an appeal of an order by bankruptcy court compelling debtor to transfer savings bonds to bankruptcy trustee to cover filing fee where despite repeated notice to debtor of obligation to pay filing fee or seek IFP status, debtor neither sought IFP status nor paid the fee).

The Clerk of Court is directed to terminate this action and to mail a copy of this order to pro se Appellant at the address on ECF and to show service on the docket.

Dated: September 8, 2021  
White Plains, New York

SO ORDERED:



HON. NELSON S. ROMAN  
UNITED STATES DISTRICT JUDGE